

HOUSE COMMERCE COMMITTEE AMENDMENT #3

Amendment No. 3 to HB2321

Hargrove
Signature of Sponsor

AMEND Senate Bill No. 2300

House Bill No. 2321*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 71, Chapter 5, is amended by inserting the following as a new, appropriately designated part thereto:

Section 71-5-____. As used in this part, unless the context otherwise requires:

(1) "Federal poverty guidelines" means the poverty guidelines as published in the federal register by the United States Department of Health and Human Services as they existed on January 1, 2005;

(2) "Manufacturer-sponsored prescription drug assistance program" means a program offered by a pharmaceutical manufacturer through which the manufacturer provides a drug or drugs to eligible persons at no charge or at a discounted cost.

Section 71-5-____.

(a) The Tennessee Pharmaceutical Connection Program is established to help the uninsured in accessing all manufacturer-sponsored prescription drug assistance programs and other programs for which they may qualify, including but not limited to Medicare Part D prescription drug coverage.

(b) The department of human services shall administer the program and shall utilize a toll-free telephone number and website as the point of contact for those eligible to participate in the program.

(c) Eligibility shall be limited to residents of the state who:

(1) Have a gross income that does not exceed two hundred fifty percent (250%) of the federal poverty guidelines;

- (2) Have no prescription drug coverage other than Medicare Part D; and
- (3) Have not voluntarily canceled a state or federal prescription drug program or a private prescription reimbursement plan within six (6) months prior to application to enroll in the program.

Section 71-5-____.

(a) The department of human services shall provide assistance to persons determined to be eligible for services authorized by this act. The assistance provided shall include:

- (1) Assisting persons in identifying and accessing manufacturer-sponsored prescription drug assistance programs for which they are or may be eligible;
- (2) Assisting persons in applying for manufacturer-sponsored prescription drug assistance programs for which they are or may be eligible;
- (3) Disseminating information about and advertising available programs that can provide assistance with obtaining prescription drugs at a lower cost; and
- (4) Assisting persons in comparing Medicare Part D drug plans and in applying for the plan best suited to their needs.

(b)

(1) The department may seek and receive voluntary moneys, including grants and gifts, to assist with the implementation of the Tennessee Pharmaceutical Connection Program.

(2) The department shall include within the development of the program the assistance of foundations, independent and chain community pharmacists, volunteers, state agencies, community groups,

area agencies on aging, corporations, hospitals, physicians, and any other entity that can further the intent of the program.

Section 71-5-____. The department shall notify pharmaceutical companies doing business in Tennessee of the Tennessee Pharmaceutical Connection Program, and shall offer pharmaceutical companies the opportunity to submit information to the department about any pharmaceutical assistance programs they offer, the drugs covered by such programs, and all information required for application to the programs.

Section 71-5-____. The department may implement additional strategies, subject to available resources, to improve access to prescription drugs for persons who have no or inadequate health insurance or other resources for the purchase of medically necessary prescription drugs.

Section 71-5-____. The department of human services shall prepare and submit an annual report on the Tennessee Pharmaceutical Connection Program to the governor, the speaker of the senate and the speaker of the house of representatives. This report shall include the number of clients served, the number of prescriptions filled and refilled, and the value of the drugs and services provided.

Section 71-5-____. The program established in this part is not, nor does it in any way create, an entitlement.